

**MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

Allen v. United States
Case No.3:04-cv-00131-JKS

By: THE HONORABLE JAMES K. SINGLETON

Deputy Clerk: Linda Christensen, Case Management: 677-6104*

PROCEEDINGS: ORDER FROM CHAMBERS

The trial of *Allen v. United States* is complete and the parties are awaiting a decision regarding liability, including negligence and causation. At the completion of the presentation of evidence, the United States elected not to call its expert witness Diane Duntze. Plaintiff indicated that she wished to use part of the testimony of Duntze and agreed to meet and confer with the Defendant to see if a stipulation could be reached. It appears that a stipulation for the admission of all of the deposition testimony of Duntze has been reached. *See* Defense Exhibit 39; *and* Docket Nos. 104 and 108. The United States asks that statements of Plaintiff's counsel not be treated as evidence. Plaintiff has not commented on this request. Statements and arguments of counsel are not evidence. A question is considered only to the extent that it gives meaning to an otherwise ambiguous answer by a witness. It does not appear that there is any disagreement between the parties regarding Ms. Duntze's testimony—it will therefore be treated as evidence in the case.

IT IS SO ORDERED.

Entered at the direction of the Honorable James K. Singleton, United States District Judge.

DATE: July 13, 2007

* ALL INQUIRIES REGARDING THE SCHEDULING OR CALENDARING OF THIS CASE SHOULD BE DIRECTED TO THE ABOVE INDICATED CASE MANAGER.

Any request for other information or for clarification, modification, or reconsideration of this Order, or for extension of time must be made in the form of a motion. *See* FED. R. CIV. P. 7(b)(1); D. Ak. LR 7.1(j) & 59(b). No one should telephone, fax, or write to chambers regarding pending cases. The Judge's secretary and law clerks are not permitted to discuss any aspect of this case, provide any information, or communicate with any person, including litigants, lawyers, witnesses, and the general public regarding pending cases.